

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 02-466
RE: JUDGE JOHN RENKE, III

ANSWER TO AMENDED NOTICE OF FORMAL CHARGES

COMES NOW the HONORABLE JOHN RENKE, III, by and through the undersigned counsel, and hereby answers the charges alleging violations of Canon 7 of the Code of Judicial Conduct as follows:

1. Admitted that Respondent was responsible for the preparation of the referenced brochure and approved the language used therein. Further admitted that the unintentional omission of the word “elect” prior to the phrase “John Renke, a Judge With Our Values” could mislead the reader into concluding or believing Respondent was an incumbent judge if the reader failed to read any other information contained in the brochure.

In mitigation, Respondent points out that the brochure was presented to him for approval shortly prior to the September 2002 election during a hectic period when Respondent was working on his campaign and law practice as much as twelve to fourteen hours a day. In reviewing the referenced phrase, Respondent did not realize or consider the possibility that a reader of the phrase might conclude he was a sitting judge. Respondent

intended the phrase to urge the voters to elect a judge with the values held by those who elected him. Respondent had no intent to mislead any person who read his brochure or misrepresent his status. Nevertheless, Respondent accepts responsibility for the wording of the brochure.

2. Admitted that Respondent distributed the subject brochure with a picture of himself behind a nameplate that read “John K. Renke, III Chair” while seated beneath a Southwest Florida Water Management District banner. (Hereinafter Swiftmud). Further admitted that Respondent was not the Chairman of Swiftmud. Denied that the distribution of the subject brochure and picture constituted a knowing and purposeful misrepresentation of Judge Renke’s status within Swiftmud. In fact, Respondent, at the time of the picture and at the time of the election, was the Chairman of the Coastal River Basin Board as part of his responsibilities as a governing board member of Swiftmud. The Coastal River Basin Board’s public meetings were conducted in Brooksville under the same banner where the governing board public meetings were held. No additional banners were hung to designate that a Basin board meeting was being conducted. Most, if not all, of Respondent’s other campaign literature made clear Respondent’s chairmanship on the Basin board was separate and apart from his service on the governing board of Swiftmud.

3. Denied that Respondent knowingly and purposefully misrepresented his endorsement by the Clearwater firefighters by asserting that he was “supported by our areas bravest: John with Kevin Bowler and the Clearwater firefighters.” In fact, firefighter Bowler, a shop steward for the firefighters’ union, called Respondent to invite him to pose with a group of Clearwater firefighters who were willing to support the Respondent’s candidacy. When contacted by Mr. Bowler, the scant time remaining prior to the election made a more formal endorsement impractical. Therefore, Respondent met with the firefighters assembled by Mr. Bowler who appeared to evidence their support by posing for the referenced photograph. The photograph was intended to serve only as evidence of the support of those who appeared in the photograph with Respondent. Respondent did not claim “endorsement from any group of or any group representing the Clearwater firefighters. . .” as alleged.

4. Denied that Respondent knowingly and purposefully misrepresented in the same brochure his judicial experience when he described himself as having “real judicial experience as a hearing officer in hearing appeals from administrative law judges.” In fact, during his tenure on the board of Swiftmud, Respondent was required to review recommended orders of Division of Administrative Hearing law judges (hereinafter

DOAH) on at least 17 occasions. The instructions Respondent and other board members were given on each of the 17 occasions outlined the duties and obligations of a board member. Those duties mimic the duties of an appellate judge. (A copy of the instructions is attached hereto as Exhibit A). Judge Renke and other board members were required to review the record of the DOAH proceedings in deciding the propriety of the subject orders. Included in the official record to be considered by board members were all transcripts of proceedings, briefs of the parties seeking review of the recommended order and the recommended order of the DOAH judge. Oral arguments were also conducted before the board members. On one occasion, Judge Renke was designated a “hearing officer” and was required to make a recommended order for full board approval or rejection. A copy of Respondent’s recommended order in Milo Thomas v. Swiftmud consisting of 23 pages is attached hereto as Exhibit B). Finally, the orders of Judge Renke and his fellow board members were binding upon the parties to whom they are directed absent reversal on appeal.

5. Denied that Respondent knowingly and purposefully misrepresented his endorsement by Pinellas County public officials in a campaign flyer when he listed Paul Bedinghaus, Gail Hebert, John Milford, George Jirotko and Nancy Riley as public officials. The referenced

individuals are in fact officials of the Pinellas County Republican Party of which any registered voter may join if he chooses to be a member of the Republican Party. One definition of the word “public” according to *Webster’s New World College Dictionary Third Edition* is “a specific part of the people; those people considered together because of some common interest or purpose.” Respondent respectfully suggests that the Republican Party meets that definition of public.

6. Admitted that the Respondent’s statement that he had “almost eight years of experience handling complex civil trials in many areas” overstated Respondent’s actual courtroom experience. While Respondent had almost eight years of experience in working up and litigating prior to trial, a wide variety of civil actions, his actual trial experience was more limited. Denied that Respondent knowingly and purposefully overstated his experience.

7. Denied that Respondent knowingly and purposefully misrepresented his experience as a practicing lawyer and thus his qualifications to be a circuit court judge as well as his opponent’s experience by asserting in a piece of campaign literature that his opponent lacked “the kind of broad experience that best prepares someone to serve as a Circuit Court Judge.” In fact, Respondent’s opponent’s experience was restricted

exclusively to the prosecution and defense of criminal matters. Such experience would be of limited benefit to a circuit judge appointed to the probate, family law, guardianship or general civil divisions. In fact, Respondent's opponent lacked broad experience but possessed extensive experience in a narrow area of the law. Thus, Respondent's characterization of his opponent's experience was accurate.

Admitted that Respondent's statement that he had "many years of broad civil trial experience" is overstated as explained in paragraph 6 above. Denied this statement was knowingly false because Respondent has far more broad experience in more areas of the law than his opponent, which was the point Respondent was attempting to make.

8. Denied that Respondent participated in partisan political activities and effectively campaigned on his behalf as a member of a partisan political party, and publicly represented and advertised himself as a member of a partisan political party by causing the distribution to the voting public of a campaign flyer in which the Republican Party of Pasco County endorsed Respondent for circuit judge, effectively identifying Respondent as a member of a partisan political party and the candidate of a partisan political party. Further, the campaign flyer attached to the Notice of Formal Charges as Exhibit E was created and published by the Republican Party without the

Respondent's knowledge or consent and, therefore, is not the responsibility of the Respondent. Moreover, prior to the election, Respondent reviewed the Code of Judicial Conduct and pursuant to the commentary found therein under Canon 7(A)(3)(a), encouraged his family members to adhere to the same standards of political conduct in support of his candidacy that applied to the Respondent. The extent to which Respondent's family members did not heed his admonition is not the Respondent's responsibility.

9. Denied.

10. Denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of April, 2005, the original of the foregoing Respondent's Answer to Amended Notice of Formal Charges has been furnished by FEDEX overnight delivery to:

Honorable Thomas D. Hall
Clerk
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399-1927

with copies by U. S. Mail to:

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